

BOARD FOR CONTRACTORS BOARD MEETING

MINUTES

The Board for Contractors met on Wednesday, May 28, 2003 at the Department of Professional and Occupational Regulation (DPOR), 3600 West Broad Street, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Mark D. Kinser, Chairman, Charles W. Falwell, David O. Harris, Sr., Kenneth W. Hart, Jim Hollar, Robert M. Kirby, Jennifer Parrish, Michael D. Redifer

Board members William A. Paulette, Robert O. Burch, Jr., Robert M. McDowell, John Neff and Anthony Orange were not present.

The following members of DPOR staff were also present during some or all of the meeting:

Louise Fontaine Ware, Director, Sandra Ryals, Chief Deputy Director, Eric L. Olson, Executive Director, Contractors, Sheila Watkins, Administrative Assistant, Contractors, Jennifer Kazzie, Assistant Director of Adjudication, Enforcement, James Guffey, Director of Enforcement and Victoria Traylor, Legal Assistant.

Others in attendance for all or part of the meeting:

Chairman Robert Kinser called the meeting to order at 9:06 a.m. and declared that a quorum of board members were in attendance.

**Call
To Order**

A motion was made by Mr. Kirby and seconded by Mr. Harris that the agenda be approved. The motion passed unanimously. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer. There were no negative votes.

**Approval
of the
Agenda**

A motion was made by Mr. Kirby and seconded by Mr. Harris that the minutes of the meeting held April 16, 2003 the Tradesman Education Committee meeting held on May 7, 2003 and the IFF meetings held April, 2003, April 8, 2003, April 22, 2003 and May 6, 2003 be approved.

**Approval
of Minutes
Board
4/16/03
and IFF
4/1,8,22/03
5/6/2003
and Trades**

**Minutes
for 5/7/03**

The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

Chairman Kinser asked the members of the public whether they had any comments.
There were none.

**Public
Comment
Period**

In the matter of File Number 2003-02693, Tracy A Swann and Martin W Swann, Jr, t/a Swann Construction, the board reviewed the **Disciplinary File Record # 2003-02693**, which consisted of the transcript exhibits from the IFF, a Consent Order, and the presiding board member's summary. Brenda and Alan Dillon appeared before the board voicing their agreement and disagreement with the hearing officer's recommendation. Ms. Tracy Swann appeared with Barry Proctor, counsel at the IFF but did not appear in person or by counsel or by any other qualified representative. Mr. Kinser the hearing officer recused himself and did not vote. Mr. Hollar chaired the meeting. Upon a motion by Ms. Parrish and seconded by Mr. Kirby, the board adopted the summary and incorporated it as a part of the order. The Board found clear and convincing evidence that Tracy A Swann & Martin W Swann, Jr. violated the following sections of its Regulations effective March 31, 1995, amended July 15, 1998: Count I 18 VAC 50-22-260 (B)(8); Count II 18 VAC 50-22-260(B)(6) failure to use a written change order and Count III 18 VAC 50-22-260(B)(6) misconduct and fraud. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Hollar, Mr. Kirby, Ms. Parrish, and Mr. Redifer. Mr. Kinser was recused and did not vote. Upon a motion by Ms. Parrish and a second by Mr. Kirby the board imposed the following monetary penalties and amended the recommendation to include a monetary penalty of \$2,500.00 and revocation for the violation of Count III. The Board found sufficient evidence to show that the Change Orders were completed fraudulently and subsequently imposed the fine and revocation of license number 2705-040999. For Count I 18 VAC 50-22-260(B)(8) \$600.00; Count II 18 VAC 50-22-260(B)(6) \$1,200.00; for a total of \$4,300. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Hollar, Mr. Kirby, Ms. Parrish, and Mr. Redifer. Mr. Kinser was recused and did not vote. Mr. Kinser resumed chairing the meeting after the vote.

**6(16)
File
2003-02693
Swann
Construct-
ion**

In the matter of File Number 2003-02410, Richard O'Neal White, t/a White's Masonry, Inc, the board reviewed the **Licensing Record # 2003-02410** record, which consisted of the licensing file, transcript, exhibits from the IFF, and the presiding board member's summary. Richard White, license applicant was present and addressed the Board voicing his agreement with the hearing officer's summary and recommendation. Mr. White also attended the IFF hearing. Mr. McDowell was absent and did not vote. Upon a motion by Mr. Kirby and seconded by Mr. Hart, the board accepted the hearing officer's recommendation and granted Mr. White a Class B license. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

**6 (22) File
2003—
02410
White's
Masonry,
Inc.**

In the matter of File Number 2003-02247, Franklin Stames t/a Fire & Safety Supply, Inc., the board reviewed the record which consisted of the **Licensing Record # 2003-02247**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Franklin Stames attended the meeting and addressed the board voicing his agreement with the recommendation. Mr. McDowell was absent and did not vote. Upon a motion by Mr. Hart and seconded by Mr. Falwell the Board adopted the hearing officer's recommendation and granted a Class C license to Mr. Stames. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

**6(24)
File
2003-02247
Fire &
Safety
Supply Inc.**

In the matter of File Number 2003-00667, Recovery Fund Act Claim by Carmen F Farro (Claimant) v. James L Wood (Regulant) t/a Pace One Additions Construction; the board reviewed the recovery fund record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Farro appeared before the board voicing his agreement with the hearing officer's recommendation. Mr. Farro also appeared at the IFF. Ms. Traylor shared with the Board that the date of the IFF on the summary should be March 18, 2003 and not March 28, 2003. Mr. Orange the hearing officer was absent and did not vote. Mr. Kirby offered a motion to accept the hearing officer's summary and recommendation to pay the claim in the amount of **\$10,000.00** and that was seconded by Mr. Hart. James L Wood did not appear in person or by counsel or by any other qualified representative. The payment of the claim is based on the Warrant in Debt which recites fraud, improper and dishonest conduct, per §54.1-1118. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

**6(30)
File
2003-00667
Pace One
Additions
Construct-
ion**

In the matter of File Number 2003-00480, Recovery Fund Claim by Dean S & Carol L Allred (Claimants) v. Promark Homes of Virginia, Inc. (Regulant), t/a Promark Homes of Virginia, Inc., the board reviewed the recovery fund record, which consisted of the investigative file, transcript and exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Mr. Allred (claimant) appeared before the board and voiced his agreement with the recommendation. Upon a motion by Mr. Falwell seconded by Mr. Hart the board adopted the recommendation and granted payment of \$10,000.00. The payment of the claim is based on the retention of funds and abandonment, which falls within the definition of improper and dishonest conduct, per §54.1-1118. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, and Mr. Redifer. Ms. Parrish voted no. The motion carried.

6(31)
File
2003-00480
Promark
Homes of
Virginia,
Inc.

Ms. Victoria Traylor shared with the Board that the following files contained discrepancies in the participant letters that were sent out. The date of those letters showed March 14, 2003 and they should have been dated April 14, 2003 for the following files: 2000-01243, 2001-01559, 2001-02468, 2002-00231, 2002-01134, 2002-01543, 2002-01691, 2002-01745, 2002-01745, 2002-01832, 2002-02162, 2003-01639 and 2003-02203. Upon a motion by Ms. Parrish seconded by Mr. Redifer, the board accepted the amendment of the file records as offered by Ms. Traylor. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

File Date
Amend-
ments
File #
2000-
01243,
2001-
01559,
02468 &
2002-
00231,
01134,
01543,
01691,
01745,
01832,
02162,
2003-
01639,
02203

In the matter of File Number 2000-03273, Gary L Sturdevant and Charles C Menefee t/a C & G Well Drilling, Disciplinary Licensing File, the board reviewed the Record # 2000-03273, which consisted of the transcript, exhibits from the IFF, and the presiding board member's summary. Charles Menefee appeared before the board and voiced his agreement with the hearing officer's recommendation. He and his counsel Carl A Eason both appeared at the IFF meeting. Ms. Parrish recused

6(36)
File
2000-03273
C & G
Well
Drilling

herself and did not vote. Upon a motion by Mr. Kirby, seconded by Mr. Falwell, the board voted to accept the recommendation and close the case with a finding of no violation based on 18 VAC 50-22-260(B)(6) (Effective May 1, 1999). There was insufficient evidence of any misconduct on the part of C & G Well Drilling with regard to this specific well. The motion passed with a unanimous vote. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, and Mr. Redifer.

In the matter of File Number 2003-00729, Dominick and Rosemary Calgi (Claimants) and Brogan Construction, Inc., t/a Brogan Construction, Inc. (Regulant) Recovery Fund File, the board reviewed the record, which consisted of the recovery file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Charles Martin, counsel for Brogan Construction, Inc. (Regulant) did not appear at the IFF but appeared at the meeting and shared his disagreement with the recommendation. Mr. Paulette was absent and did not vote. Upon a motion by Mr. Redifer seconded by Ms. Parrish the Board adopted the recommendation and found no basis to honor the claim. Payment of the claim was denied based on Calgi's contract with Brogan for the purpose of an inspection prior to purchasing a home. According to the statute governing the Recovery Fund, the improper or dishonest conduct by the Regulant must occur "in connection with a transaction involving contracting." The motion passed unanimously. Those members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

6(48)
File
2003-00729
Brogan
Construct-
ion, Inc.

In the matter of File Number 2003-00882, Robert Conley (Claimant) and Donna J Rivard t/a Affordable Home Improvements (Regulant), Recovery Fund File, the board reviewed the record, which consisted of the recovery file, transcript, exhibits from the IFF, and the presiding board member's summary. Robert Conley, (Claimant) appeared at the meeting and voiced his agreement with the recommendation. Mr. Conley participated in the IFF by telephone. Vincent W McAlevy, Esquire also participated in the IFF by telephone. Donna J Rivard (Regulant) is deceased. No one appeared on behalf of the Regulant. Mr. Paulette was absent and did not vote. Upon a motion by Ms. Parrish and seconded by Mr. Hart, the board adopted the hearing officer's recommendation for approval of the claim in the amount of \$10,000.00. The payment of the claim is based on the "fraudulent misrepresentation...wrongful taking and conversion of the funds..." which falls within the definition of improper and dishonest conduct, per §54.1-1118. The motion passed with

6 (8)
File
2003-00882
Affordable
Home
Improve-
ments

a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

In the matter of File Number 2003-02251, Licensing File, Rickey David Carr t/a Phase One Contracting, the board reviewed the record, which consisted of the licensing file, transcript, exhibits from the IFF, and the presiding board member's summary. Rickey David Carr appeared at the meeting and the IFF and voiced his agreement with the recommendation. Mr. Hart recused himself and did not vote. Upon a motion by Mr. Hollar and seconded by Mr. Redifer, the board accepted the hearing officer's recommendation and granted a Class C License to Phase One Contracting. The motion passed with a vote of one "no" and seven "yes". Members voting "Yes" were Mr. Falwell, Mr. Hollar, Mr. Harris, Mr. Kinser, Ms. Parrish and Mr. Redifer. Mr. Kirby cast the "No" vote.

6 (12)
File
2003-02251
Phase One
Contract-
ing

In the matter of File Number 2003-02693, Derek Reed Kirby Licensing File, the board reviewed the record, which consisted of the licensing file, transcript, exhibits from the IFF, and the presiding board member's summary. Derek Reed Kirby appeared at the meeting and the IFF and voiced his agreement with the recommendation. Mr. Hollar recused himself and did not vote. Upon a motion by Mr. Falwell and seconded by Ms. Parrish, the board adopted the hearing officer's recommendation and approved processing of Mr. Kirby's Tradesman license. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (10)
File
2003-02693
Derek
Reed
Kirby

The Board had a three minute recess after this case. The Board reconvened at 9:40 am.

In the matter of File Number 2001-02656, Consent Order, Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0117. Dawn Parrish appeared before the board and voiced agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows: **Count I, \$500.00** monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(12, **Count II, \$500.00** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8), **Count III, \$100.** for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(11), **Count IV, \$100.00** for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(8), for a total of \$100. **Count V, \$100.** for violation of the

7 (2)
File
2001-02656
Roof Depot
Metro

Board's 1999 Regulation 18 VAC 50-22-230(A) for a total of \$1,300.00 being imposed. Ms. Dawn Parrish acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Mr. Kinser recused himself and did not vote. The motion passed with a unanimous vote. Members voting "yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

In the matter of File Number 2001-03093 Consent Order, Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0119. Dawn Parrish appeared before the board and voiced agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows: **Count I, \$200.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(11), Count II, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(8), Count III, \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-230(A), Count IV, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(12), for a total of \$500.** Ms. Dawn Parrish acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Mr. Kinser recused himself and did not vote. The motion passed with a unanimous vote. Members voting "yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

7 (3)
File
2001-03093
Roof Depot
Metro

In the matter of File # 2001-03233 Consent Order , Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0116. Dawn Bowers appeared before the board and voiced agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows: **Count I, \$200.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(12), Count II, \$200.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(11), Count III, \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8), Count IV, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(6), Count V \$400. for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(28), for a total of \$1,000.00 being imposed.** Ms. Dawn Parrish acknowledges that the agreed monetary

7 (4)
File
2001-03233
Roof Depot
Metro

penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Mr. Kinser recused himself and did not vote. The motion passed with a unanimous vote. Members voting "yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

In the matter of File Number 2001-03274, Consent Order, Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0118. Dawn Parrish appeared before the board and voiced agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows: **Count I, \$500.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(11), Count II, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(8), Count III, \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-230(A), Count IV, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(12), Count V \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-260 (B)(12), for a total of \$900.** Ms. Dawn Parrish acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Mr. Kinser recused himself and did not vote. The motion carried with a unanimous vote. Members voting "yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

7 (5)
File
2001-03274
Roof Depot
Metro

In the matter of File Number 2001-03282, Consent Order, Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0115. Dawn Parrish appeared before the board and voiced her agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows: **Count I, \$300.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(6), Count II, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(11), Count III, \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-230(A), for a total of \$500.** Ms. Dawn Parrish acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Mr. Kinser recused himself and did not vote. The motion passed with a unanimous vote. Members voting

7 (6)
File
2001-03282

"yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

In the matter of File Number 2001-03559, Consent Order, Gulf-Link US Inc, t/a Roof Depot Metro, the board reviewed the record, which consisted of the consent order# 2003-0114. Dawn Parrish appeared before the board and voiced her agreement with the terms of the order. There was no IFF. Upon a motion by Mr. Hollar, and seconded by Mr. Redifer the Board ratified the consent order as follows and amended the Consent Order to include completion of Remedial Education: **Count I, \$100.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(11), Count II, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(8), Count III, \$100. for violation of the Board's 1999 Regulation 18 VAC 50-22-230(A), Count IV, \$750.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(12), Count V \$300. for violation of the Board's 1999 Regulation 18 VAC 50-22-260(A)(12), for a total of \$1,350.** Ms. Dawn Parrish acknowledges that the agreed monetary penalties must be paid within thirty days of the consent order or her license will be automatically suspended. Ms. Parrish also agrees to successfully complete a basic contractor licensing class within six months of the date of the signing of this order. Mr. Kinser recused himself and did not vote. Members voting "yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Ms. Parrish, and Mr. Redifer. The motion passed with a unanimous vote.

7 (7)
File
2001-03559
Roof Depot
Metro

In the matter of File Number 2001-01997, Valley B C Llc Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0157. Mr. Hart recused himself and did not vote. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: Valley B C Llc admits to the violation(s) of the Board's Regulations: **Count I, \$2,000.00 monetary penalty for violation of the Board's May 1, 1999 Regulations: 18 VAC 50-22-260.(B)(14), Count II, \$500.00 and completion of remedial education for violation of the Board's May 1, 1999 Regulation 18 VAC 50-22-260-(B)(6) for a total of \$2,500.00. Furthermore W. R. Boutros must successfully complete the Board's Basic Contracting Licensing Class within six months of the entry of this order.** Boutros acknowledges that the payment must be made within thirty days of the order or the license will be suspended. The motion passed unanimously. Members voting "Yes" were, Mr. Falwell, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

7 (1)
File
2001-01997
Valley B C
Llc

In the matter of File Number 2002-00426, Virginia Home Air

7(8)

Conditioning & Air Appliance Ent. Inc., t/a Norse Heating Air Conditioning & Appliance Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0147. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: Virginia Home Air Conditioning & Air Appliance Ent. Inc., t/a Norse Heating Air Conditioning & Appliance admits to the violation(s) of the Board's Regulations and consents to the following terms: **Count I, \$250.00 monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-260.(B)(6), Count II, \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260-(B)(8) for a total of \$500.00. The Board waives the imposition of the \$250.00 monetary penalty for Count I provided a member of the responsible management for Virginia Home Air Conditioning & Appliance Ent, Inc. t/a Norse Heating Air Conditioning & Appliance successfully completes the Board's Basic Contracting Licensing Class within six months of the entry of this order. If they fail the course then the monetary penalty will be automatically imposed. Virginia Home Air Conditioning & Appliance Ent, Inc. t/a Norse Heating Air Conditioning & Appliance acknowledges that the payment must be made within thirty days of the order or the license will be suspended. The motion passed unanimously. Members voting "Yes" were, Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.**

**File
2002-00426
VA Home
Air
Condition-
ing &
Appliance
Ent, Inc.**

In the matter of File Number 2002-01480, Madison Park LLC t/a Madison Park LLC Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0164. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: Madison Park LLC t/a Madison Park LLC admits to the violation(s) of the Board's Regulations and consents to the following terms: **Count I, no monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-220.(B), Count II, \$100.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-220-(C) for a total of \$100.00. Madison Park LLC acknowledges that the payment must be made within thirty days of the order or the license will be suspended. The motion passed unanimously. Members voting "Yes" were, Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.**

**7 (9)
File
2002-01480
Madison
Park LLC**

In the matter of File Number 2002-01481, Virginia Residential Construction, Inc. t/a Virginia Residential Construction, Inc. Consent

**7 (10)
File**

Order File, the board reviewed the record, which consisted of the consent order # 2003-0163. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: Virginia Residential Construction, Inc. t/a Virginia Residential Construction, Inc. admits to the violation(s) of the Board's Regulations and consents to the following terms: **Count I, \$100.00 a monetary penalty for violation of the Board's 1999 Regulations: 18 VAC 50-22-220.(B), for a total of \$100.00.** Virginia Residential Construction, Inc. acknowledges that the payment must be made within thirty days of the order or the license will be suspended. The motion passed unanimously. Members voting "Yes" were, Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

**2002-01481
VA
Residential
Construct-
ion Inc.**

In the matter of File Number 2002-01482, Van Metre Custom Homes Inc. t/a Van Metre Custom Homes Inc., Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0161. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: for **Count I, no monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-220(A), Count II, no monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-220(B), Count III, no monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-220(C).** The case was closed with a finding of no monetary penalties. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

**7 (11)
File
2002-01482
Van Metre
Custom
Homes Inc.**

In the matter of File Number 2002-01485, Marquis Custom Homes Inc. t/a Marquis Custom Homes, Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0162. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order as follows: for **Count I, no monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-220(A), Count II, no monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-220(C).** The case was closed with a finding of no monetary penalties. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

**7 (12)
File
2002-01485
Marquis
Custom
Homes Inc.**

In the matter of File Numbers 2002-01624, Roy's Home Service Inc t/a Roy's Home Service Inc. Consent Order File, the board reviewed

**7
(13)**

the record, which consisted of the consent order # 2003-0142. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order. as follows: for **Count I, \$250.00 monetary penalty for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(8), Count II, remedial education and a monetary penalty of \$250.00 for violation of the Board's 1999 Regulation 18 VAC 50-22-260(B)(6).** For total monetary penalties of \$500. Roy's Home Service Inc acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees to pay within 30 days of this order. Roy's Home Service Inc. agrees to also complete their remedial education class within 6 months of the signing of the order or their license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

File
2002-01624
Roy's
Home
Service
Inc.

In the matter of File Number 2002-02511, O'Bryan Construction t/a Carolina Quest Builders Consent Order File, the board reviewed the record, which consisted of the consent order # 2003-0144. There was no IFF. Upon a motion by Mr. Hollar seconded by Mr. Redifer the Board ratified the Consent order. as follows: for **Count I, \$200.00 monetary penalty and \$300.00 reimbursement of investigative costs to the Department of Professional and Occupational Regulation for violation of the Board's 2001 Regulation 18 VAC 50-22-260(B)(6).** For total monetary penalties of \$500. O'Bryan Construction acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees to pay within 30 days of this order or their license will be suspended. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish, and Mr. Redifer.

7 (14)
File
2002-02511
O'Bryan
Construct-
ion

In the matter of File Number 2003-00277, Van Thong HO (Claimant) and Priority Construction t/a Priority Construction (Regulant), Recovery Fund File, the board reviewed the record, which consisted of the recovery file, transcript, exhibits from the IFF, and the presiding board member's summary. Van Thong Ho, (Claimant) and William O'Brian his attorney appeared at the meeting and voiced his concerns with the recommendation. Mr. O'Brian shared that Dr. Ho had a warrant in debt and a judgment granted by a court of competence against Priority Construction. Priority had agreed to complete some work for Dr. Ho and they left the materials and never came back to finish the job. Mr. Kirby and Mr. Paulette recused themselves and did not vote. Upon a motion by Mr. Hart and seconded by Ms. Parrish, a motion was offered to pay the claim. After discussion the Ms. Parrish withdrew her second to the

6 (52)
File
2003-00277
Priority
Construct-
ion Corp.

motion. A motion was offered by Ms. Parrish and seconded by Mr. Falwell to amend the hearing officer's recommendation and pay the claim in the amount of \$6,549.00. The payment of the claim is based on Priority's improper and dishonest conduct, per §54.1-1118. The motion passed with a "yes" vote of 5 and a "no" vote of 2. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Kinser, Ms. Parrish and Mr. Redifer. **Members voting "No" were: Mr. Hart and Mr. Hollar.**

In the matter of File Number 2002-00231, Manouchehr Soheily (Complainant) v. William Simon (Respondent) t/a Simon & Associates Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. William Simon (Respondent) and Manouchehr Soheily (Complainant) both attended the IFF. Manouchehr Soheily (Complainant) attended the Board meeting and addressed the Board. Mr. Hart recused himself and did not vote. Victoria Traylor shared a correction with the Board on Item # 6 (for the record) in the Summary the issue date of the Class B license should be August 5, 1993. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, **the board found clear and convincing evidence that Simon & Associates violated the following sections of its 1999 Regulations: (Count I) working outside classification, 18 VAC 50-22-260(B)(23) (Effective May 1, 1999), (Count II) conviction of a class one misdemeanor and remedial education, 18 VAC 50-22-260(B)(22) (Effective September 1 2001), (Count III) failure to notify the Board of a conviction, 18 VAC 50-22-260(B)(23) (effective September 1, 2001).** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Harris, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer. Upon a motion for the sanctions by Mr. Hollar and seconded by Ms. Parrish the Board imposed the following monetary penalties: **Count I, \$350.00, 18 VAC 50-22-260(B)(23) and Count II, \$250.00, 18 VAC 50-22-260(B)(22). The Total penalties are \$600.00. The Board imposes no sanction for the violation of 2001 Regulation 18 VAC 50-22-260(B)(22).** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

6(9)
File
2002-00231
Simon &
Associates

In the matter of File Number 2003-00747, Thomas Buck (Claimant) and Jacqueline A Sawyer t/a Wishmakers (Regulant), Recovery Fund File, the board reviewed the record, which consisted of the recovery file, transcript, exhibits from the IFF, and the presiding board member's summary. Thomas Buck, (Claimant) appeared at the meeting and voiced his agreement with the recommendation. Mr. Paulette was absent and did

6 (47)
File
2003-00747
Wish-
makers

not vote. Ms. Parrish offered a motion and Mr. Kirby seconded it to adopt the hearing officers' recommendation to pay the claim in the amount of \$10,000.00. The payment of the claim is based on the failure of the Regulant to complete the remodeling of the kitchen. These actions fall within the definition of improper and dishonest conduct per §54.1-1118, Code of Virginia. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

In the matter of File Number 2003-00726, Omari and Candace Johnson (Claimants) and Alvin E. Gable t/a Gable Enterprises (Regulant), Recovery Fund the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Omari and Candace Johnson, (Claimants) appeared at the meeting and voiced their agreement with the recommendation. Mr. Paulette was absent and did not vote. Mr. Hollar offered a motion and Mr. Harris seconded it to adopt the hearing officers' recommendation to pay the claim in the amount of \$2,266.00. The payment of the claim is based on the judgment, "improper dishonest conduct, negligence, breach of contract per §54.1-1118, Code of Virginia . The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

6 (51)
File
2003-00726
Gable
Enter-
prises

In the matter of File Number 2003-00463, Alan D McKeag (Claimant) and Jacqueline A Sawyer t/a Wishmakers (Regulant), Recovery Fund File, the board reviewed the record, which consisted of the recovery file, transcript, exhibits from the IFF, and the presiding board member's summary. Alan McKeag, (Claimant) appeared at the meeting and voiced his agreement with the recommendation. Mr. Orange was absent and did not vote. Ms. Parrish offered a motion and Mr. Harris seconded it to adopt the hearing officers' recommendation to pay the claim in the amount of \$10,000.00. The payment of the claim is based on improper and dishonest of the Regulant. These actions fall within the definition of improper and dishonest conduct per §54.1-1118, Code of Virginia. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

6 (32)
File
2003-00463
Wish-
makers

In the matter of File Number 2001-02243, Alan D McKeag (Complainant) and Jacqueline A Sawyer t/a Wishmakers (Respondent), Disciplinary File, the board reviewed the record, which

6 (44)
File
2002-02243

consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Alan McKeag, (Complainant) appeared at the meeting and voiced his agreement with the recommendation. Jacqueline Sawyer did not appear at the IFF or the Board meeting in person or by counsel or by any other qualified representative. Mr. Paulette was absent and did not vote. Upon a motion for the violations by Ms. Parrish seconded by Mr. Hollar, the board **found clear and convincing evidence that Wishmakers violated the following sections of its September 1, 2001 Regulations: (Count I) failure to perform work, 18 VAC 50-22-260(B)(15), (Count II) failure to satisfy a judgment, 18 VAC 50-22-260(B)(28) (Effective September 1 2001), (Count III) failure to obtain a Class B license, 18 VAC 50-22-220(C) (effective September 1, 2001).** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Harris, Mr. Kinser, Mr. Hart, Mr. Kirby, Ms. Parrish, and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby and seconded by Mr. Falwell the Board imposed the following monetary penalties: **Count I, \$2,500.00 and license revocation, 18 VAC 50-22-260(B)(15) and Count II, \$2,500.00 and license revocation, 18 VAC 50-22-260(B)(28), Count III, \$1,500.00, 18 VAC 50-22-260(B)(1), Count IV, \$500.00; 18 VAC 50-22-220(C).** The Total penalties are \$7,000.00. **Wishmakers must pay the fine within 60 days of the date of the order.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Hart, Ms. Parrish and Mr. Redifer.

**Wish-
makers**

In the matter of File Number 2003-00276, Mark E Merlerski (Claimants) and Millennium Pools & Spas, Inc. t/a Millennium Pools & Spas, Inc. (Regulant), Recovery Fund the board reviewed the file which consisted of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Mark Melerski was represented by counsel, Corey Poindexter (Claimants) at the IFF and the meeting. Mr. Poindexter voiced his client's agreement with the recommendation. Mr. Orange was absent and did not vote. Mr. Redifer offered a motion and Mr. Hollar seconded it to adopt the hearing officers' recommendation to pay the claim in the amount of \$10,000.00. The payment of the claim is based on the judgment, "improper dishonest conduct, negligence, breach of contract per §54.1-1118, Code of Virginia . Due to the volume of claims received against Millennium, the approved claim amount may be prorated. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

**6 (34)
File
2003-00276
Millenniu
m Pools &
Spas, Inc.**

In the matter of File Number 2003-01687, Laura K Mustin (Claimants) and Robert R Barnett t/a R B Handyman Services (Regulant), Recovery Fund the board reviewed the file which consisted

**6 (29)
File
2003-00687**

of transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Laura Mustin, (Claimant) appeared at the meeting and voiced her agreement with the recommendation. Mr. Orange was absent and did not vote. Mr. Hollar offered a motion and Mr. Redifer seconded to adopt the hearing officers' recommendation to pay the claim in the amount of \$10,000.00. The payment of the claim is based on the judgment, "improper dishonest conduct, negligence, breach of contract per §54.1-1118, Code of Virginia . The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

**R B
Handyman
Services**

In the matter of File Number 2003-02456, Bart Rondel Armstrong, Sr. Application for Tradesman License the board reviewed the record which consisted of the **Licensing Record # 2003-02456**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Bart Armstrong attended the meeting and addressed the board voicing his agreement with the recommendation. Mr. McDowell was absent and did not vote. Upon a motion by Ms. Parrish and seconded by Mr. Falwell the Board adopted the hearing officer's recommendation and granted a Tradesman license to Mr. Armstrong. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

**6 (25)
File
2003-02456
Bart
Rondel
Armstrong
, Sr.**

In the matter of File Number 2003-00709, Recovery Fund Claim, James and Marie DeShazor (Claimants) and Jethro J Butts t/a Jay's Contractors, (Regulant), the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Paulette was absent and did not vote. James and Marie DeShazor (claimants) was present at the meeting and they shared their agreement with the recommendation. A representative from Jay's Contractors was not present at the IFF or the Board meeting. Upon a motion by Mr. Hollar, and seconded by Mr. Kirby the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00. The payment is based on the retention of funds and abandonment which falls within "Improper and dishonest conduct, per §54.1-1118. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

**6 (49)
File
2003-00709
Jay's
Contract-
ors**

In the matter of File Number 2003-02203, Elton Q. Thornes, Application for Class C License the board reviewed the record which consisted of the **Licensing Record # 2003-02203**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Thornes

**6 (13)
File
2003-02203
Account-**

attended the meeting and addressed the board voicing his disagreement with the recommendation. Mr. Hart recused himself and did not vote. Upon a motion by Ms. Parrish and seconded by Mr. Harris the Board adopted the hearing officer's recommendation and denied issuance of a license to Mr. Thornes due to the nature of the conduct represented by the convictions with the most recent being 2001. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer.

able
Builders

In the matter of File Number 2002-03236 Paul R Ward Jr (Respondent) t/a Nottoway Custom Fencing, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Jay Levitt Counsel for Paul R Ward, Jr (Respondent) attended the Board meeting and addressed the Board. Mr. Levitt asked the Board to wait on making a revocation decision until after the court case is heard in the next 30 days. Mr. McDowell was absent and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, to amend the recommendation to uphold the revocation if the \$5,500. fine is not paid within thirty days. This motion was withdrawn by Mr. Redifer. Upon a motion by Mr. Hollar to accept the hearing officers recommendations and seconded by Mr. Hart. The motion was voted upon. There were two "no" votes cast: Mr. Harris and Mr. Kinser. There were six yes votes: Mr. Hart, Mr. Holler, Mr. Redifer, Ms. Parrish, Mr. Redifer and Mr. Kirby. The motion failed. Upon a motion by Mr. Harris and seconded by Mr. Falwell the case was remanded to the July 9, 2003 meeting. The vote was unanimous. Members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hart, Mr. Kinser, Mr. Kirby, Mr. Hollar, Ms. Parrish and Mr. Redifer.

6 (17)
File
2002-03236
Nottoway
Custom
Fencing

In the matter of File Number 2002-02162 Wesley M Hall (Respondent) t/a Hall N Sons, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Wesley M Hall (Respondent) did not appear at the IFF or the Board meeting in person, or by counsel, or by any other qualified representative. Mr. Hart recused himself and did not vote. Upon a motion for the violations offered by Ms. Parrish seconded by Mr. Hollar, the Board find clear and convincing evidence that Wesley M Hall violated the following **Count I, 18 VAC 50-22-260(B)(2) of its 1999 Regulations**. The vote to adopt was unanimous. Members voting yes were: Mr. Harris, Mr. Hollar,

6 (1)
File
2002-02162
Hall N
Sons

Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Redifer and Mr. Falwell. Upon a motion by Mr. Kirby to accept the hearing officers recommendations for the sanctions and seconded by Mr. Hollar. The vote was unanimous. The Board imposed the following monetary penalties: **Count I, 18 VAC 50-22-260(B)(2), \$2,500.00. Wesley M Hall shall pay the penalties within 60 days of the order or his license will automatically be suspended.** Members voting yes were: Mr. Hollar, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

In the matter of File Number 2002-01832, Wesley M Hall (Respondent) t/a Hall N Sons, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Wesley M Hall (Respondent) did not appear at the IFF nor the Board meeting in person, or by counsel, or by any other qualified representative. Mr. Hart recused himself and did not vote. Upon a motion for the violations offered by Mr. Hollar seconded by Mrs. Parrish., the Board found clear and convincing evidence that Wesley M Hall violated the following **Count I, 18 VAC 50-22-230(B) of its 1999 Regulations; Count II 18 VAC 50-22-260(B)(8) of its 1999 Regulations; Count III 18 VAC 50-22-260(B)(1), to wit: §54.1-1103 of its 2001 Regulations; Count IV 18 VAC 50-22-260(B)(12) intentional and unjustified failure to complete work of its 1999 Regulations; Count V 18 VAC 50-22-260 (B)(12) retention of funds of its 1999 Regulations; Count VI 18 VAC 50-22-260(B)(12) retention of funds of its 1999 Regulations.** The vote to adopt was unanimous. Members voting yes were: Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Redifer and Mr. Falwell. Upon a motion by Ms. Parrish to accept the hearing officers recommendations for the sanctions and seconded by Mr. Falwell. The vote was unanimous. The Board imposed the following monetary penalties: **Count I, 1999 18 VAC 50-22-230(B) \$500.00; Count II, 1999 18 VAC 50-22-260(B)(8) \$2,000.00; Count III, 2001 18 VAC 50-22-260(B)(1), to wit: §54.1-1103 \$2,000.00 and license revocation; Count IV, 1999 18 VAC 50-22-260(B)(12) intentional and unjustified failure to complete work and license revocation \$1,500.00; Count V, 1999 18 VAC 50-22-260 (B)(12) retention of funds and license revocation \$2,000.00; Count VI 1999 18 VAC 50-22-260(B)(12) retention of funds and license revocation \$1,500.00. For a total penalty of \$9,500.00. The penalties must be paid in 60 days of the order or the license will be suspended.** Members voting yes were: Mr. Hollar, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (2)
File
2002-01832
Hall N
Sons

In the matter of File Number 2002-01745, Catherine Jordan (Complainant) and Wesley M Hall (Respondent) t/a Hall N Sons, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Wesley M Hall (Respondent) did not appear at the IFF nor the Board meeting in person, or by counsel, or by any other qualified representative. Catherine Jordan, (Complainant) appeared at the IFF. Mr. Hart recused himself and did not vote. Upon a motion for the violations offered by Ms. Parrish seconded by Mr. Redifer., the Board found clear and convincing evidence that Wesley M Hall violated the following sections of its 2001 Regulations **Count I, 18 VAC 50-22-230(B); Count II 18 VAC 50-22-260(B)(9); Count III 18 VAC 50-22-260(B)(15); Count IV 18 VAC 50-22-260(B)(16); Count V 18 VAC 50-22-260 (B)(17); Count VI 18 VAC 50-22-260(B)(27)**. The vote to adopt was unanimous. Members voting yes were: Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Redifer and Mr. Falwell. Upon a motion by Mr. Falwell to accept the hearing officers recommendations for the sanctions and seconded by Ms. Parrish. The vote was unanimous. The Board imposed the following monetary penalties: **Count I, 18 VAC 50-22-230(B) \$500.00; Count II, 18 VAC 50-22-260(B)(9) \$2,000.00; Count III, 18 VAC 50-22-260(B)(15), \$1,500.00 and license revocation; Count IV, 18 VAC 50-22-260(B)(16) \$2,000.00 and license revocation; Count V, 18 VAC 50-22-260 (B)(17) license revocation \$1,000.00; Count VI 1999 18 VAC 50-22-260(B)(27) and license revocation \$1,000.00. For a total penalty of \$8,000.00. The penalties must be paid in 60 days of the order or the license will be suspended.** Members voting yes were: Mr. Hollar, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (3)
File
2002-01745
Hall N
Sons

In the matter of File Number 2002-01691, James A and Betty H Kain (Complainants) and Wesley M Hall (Respondent) t/a Hall N Sons, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Wesley M Hall (Respondent) did not appear at the IFF nor the Board meeting in person, or by counsel, or by any other qualified representative. James and Betty Kain, (Complainants) appeared at the IFF. Mr. Hart recused himself and did not vote. Upon a motion for the violations offered by Mr. Kirby seconded by Mr. Redifer., the Board found clear and convincing evidence that Wesley M Hall violated the following sections of its 2001 Regulations **Count I, 18 VAC 50-22-230(B); Count II 18 VAC 50-22-260(B)(9) and Count III 18 VAC 50-22-260(B)(15)**. The vote to adopt was unanimous. Members voting yes were: Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Redifer and Mr. Falwell. Upon a motion by Ms. Parrish to accept the hearing officers recommendations for

6 (4)
File
2002-01691
Hall N
Sons

the sanctions and seconded by Mr. Hollar. The vote was unanimous. The Board imposed the following monetary penalties: **Count I, 18 VAC 50-22-230(B) \$500.00; Count II, 18 VAC 50-22-260(B)(9) \$2,000.00; Count III, 18 VAC 50-22-260(B)(15), \$1,500.00 and license revocation. For a total penalty of \$3,500.00. The penalties must be paid in 60 days of the order or the license will be suspended.** Members voting yes were: Mr. Hollar, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer

In the matter of File Number 2002-01543, Albert Lassiter (Complainant) and Wesley M Hall (Respondent) t/a Hall N Sons, Disciplinary File, the board reviewed the file which consisted of the investigative file, transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Wesley M Hall (Respondent) did not appear at the IFF nor the Board meeting in person, or by counsel, or by any other qualified representative. Albert Lassiter, (Complainant) did not appear at the IFF nor the Board meeting. Mr. Hart recused himself and did not vote. Victoria Traylor shared with the Board the Hall N Sons had a previous payout from the Recovery Fund in December 2002. Upon a motion for the violations offered by Mr. Redifer seconded by Mr. Falwell, the Board found clear and convincing evidence that Wesley M Hall violated the following sections of its Regulations Count I, 1999 18 VAC 50-22-260(B)(12); Count II 1999 18 VAC 50-22-260(B)(8); Count III 1999 18 VAC 50-22-260(B)(12); Count IV 1999 18 VAC 50-22-260(B)(8); Count V 1999 18 VAC 50-22-260 (B)(6); Count VI 2001 18 VAC 50-22-230(B); Count VII 1999 18 VAC 50-22-260(B)(8). The vote to adopt was unanimous. Members voting yes were: Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Redifer and Mr. Falwell. Upon a motion by Mr. Redifer to accept the hearing officers recommendations for the sanctions and seconded by Ms. Parrish. The vote was unanimous. The Board imposed the following monetary penalties: Count I, 18 VAC 50-22-260(B) \$1,500.00 and license revocation; Count II, 18 VAC 50-22-260(B)(8) \$2,000.00; Count III, 18 VAC 50-22-260(B)(12), \$1,500.00 and license revocation; Count IV, 18 VAC 50-22-260(B)(8) \$1,500.00; Count V, 18 VAC 50-22-260 (B)(6) \$1,000.00; Count VI 18 VAC 50-22-230(B)\$500.00; Count VII, 18 VAC 50-22-260(B)(8) \$1,000.00. For a total penalty of \$9,000.00. The penalties must be paid in 60 days of the order or the license will be suspended. Members voting yes were: Mr. Hollar, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (6)
File
2002-01543
Hall N
Sons

In the matter of File Number 2002-01559, Ben Kuscsik (Complainant) and Richmond Deck & Designs, Inc. Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Richmond Deck & Designs, Inc did not appear at the IFF nor the Board meeting and they were not represented by counsel or by any other qualified representative. Ben Kuscsik did not attend the IFF nor the Board meeting and was not represented by counsel or by any other qualified representative. Mr. Hart recused himself and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, the board found clear and convincing evidence that Richmond Deck & Designs, Inc. violated its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(8); Count II, 18 VAC 50-22-260(B)(12); Count III, 18 VAC 50-22-260(B)(6); Count IV, 18 VAC 50-22-260(B)(6); Count V, 18 VAC 50-22-260(B)(11); Count VI, 18 VAC 50-22-260(B)(1). The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Ms. Parrish seconded by Mr. Falwell, the board amended the recommendation for the following violations: Richmond Deck & Designs, Inc. violated its 1999 Regulations: Count II, 18 VAC 50-22-260(B)(12) penalty increased from \$750.00 to \$2,500.00 misapplication of funds; Count III, 18 VAC 50-22-260(B)(6) penalty increased from \$500.00 to \$2,500.00 for the failure to fulfill a written agreement and the correction of punch list items.; Count VI, 18 VAC 50-22-260(B)(1) \$500.00 penalty and the Board imposed license revocation because of such an egregious violation and working so far out of the licensing classification. The other sanctions are as follows: Count I, 18 VAC 50-22-260(B)(8) \$400.00; Count IV, 18 VAC 50-22-260(B)(6) \$1,000.00; Count V, 18 VAC 50-22-260(B)(11) \$500.00. For total penalties of \$7,400.00 and license revocation. The monetary penalties assessed shall be paid within 60 days of the order or the license will be automatically suspended until such time as said amount is paid in full. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, Mr. Harris and Mr. Redifer.

6 (5)
File
2002-01559
Richmond
Deck &
Designs
Inc.

In the matter of File Number 2000-01243, Cynthia and Paul Laskiewicz(Complainant) and Leslie W Bryant, Jr. (Respondent), t/a Bryant Construction, Inc. , Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Bryant Construction, Inc (Respondent) appeared at the IFF but did not attend the Board meeting nor were they represented by counsel or by any other qualified representative. Cynthia and Paul Laskiewicz (Complainant) did not attend the Board meeting nor the IFF meeting. Mr.

6 (7)
File
2000-01243
Bryant
Construct-
ion Inc.

Hart recused himself and did not vote. Victoria Traylor shared with the Board that Bryant Construction, Inc. had previous violations for construction defects in Jan 2003. Upon a motion for the violations by Mr. Redifer seconded by Ms. Parrish, the **board found clear and convincing evidence that THE Construction, Inc violated the following sections of its 1995 Regulations: Count I, 18 VAC 50-22-260(B)(6) (Effective March 31, 1995, Amended July 15, 1998).** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer. Upon a motion for the sanctions by Mr. Kinser and seconded by Mr. Falwell the Board imposed the following monetary penalties: The Board imposes the penalty of \$1,000.00 with no waiver due to priors existing. **Total penalty \$1,000.00. The total monetary penalty assessed shall be paid within 60 days from the date of the order. Failure to pay the monetary penalty assessed within 60 day of the date of the order will result in the automatic suspension of the license.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar Mr. Kinser, Mr. Harris, Mr. Kirby, Ms. Parrish and Mr. Redifer.

In the matter of File Number 2002-01134, Robert Miller (Complainant) v Joseph A McRae (Respondent), t/a MNM Home Repair, Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. MNM Home Repair (Respondent) did not appear at the IFF nor the Board meeting nor were they represented by counsel or by any other qualified representative. Robert Miller (Complainants) did attend the IFF meeting but not the Board meeting. Mr. Hart recused himself and did not vote. Upon a motion for the violations by Ms. Parrish seconded by Mr. Redifer, the **board found clear and convincing evidence that MNM Home Repair violated the following sections of its 1999 Regulations: Count I, 18 VAC 50-22-230(A); Count II, 18 VAC 50-22-260(B)(8); Count III, 18 VAC 50-22-260(B)(12) Abandonment; Count IV, 18 VAC 50-22-260(B)(12) retention of funds.** The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Ms. Parrish and seconded by Mr. Redifer the Board amended the recommendation and imposed the following monetary penalties: **Count I, 18 VAC 50-22-230(A) \$250.00; Count II, 18 VAC 50-22-260(B)(8) \$400.00; Count III, 18 VAC 50-22-260 (B)(12) license revocation and \$400.00; Count IV 18 VAC 50-22-260(B)(12) license revocation and \$800.00. Total penalties \$1,850.00.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Ms. Parrish, Mr. Kirby and Mr. Redifer.

6 (8)
File
2002-01134
MNM
Home
Repair

In the matter of File Number 2001-02468, Shane A Shiamone (Complainant) v David Edward Warnick (Respondent), t/a Warnick Plumbing Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Warnick Plumbing (Respondent) did not appear at the IFF nor the Board meeting nor were they represented by counsel or by any other qualified representative. Shane A Shiamone (Complainant) did not attend the IFF meeting nor the Board meeting. Mr. Hart recused himself and did not vote. Upon a motion for the violations by Ms. Parrish seconded by Mr. Redifer, the board found clear and convincing evidence that Warnick Plumbing violated the following sections of its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(8); Count II, 18 VAC 50-22-260(B)(12) intentional and unjustified failure to complete work; Count III, 18 VAC 50-22-260(B)(12) retention of funds; Count IV, 18 VAC 50-22-260(B)(11); Count V, 18 VAC 50-22-230(B). The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Ms. Parrish and seconded by Mr. Redifer the Board amended the recommendation and imposed the following monetary penalties: Count I, 18 VAC 50-22-260(B)(8) \$300.00; Count II, 18 VAC 50-22-260(B)(12) intentional and unjustified failure to complete work \$450.00 and license revocation; Count III, 18 VAC 50-22-260(B)(12) retention of funds \$450.00 and license revocation; Count IV 18 VAC 50-22-260(B)(11) license revocation and \$450.00.; Count V 18 VAC 50-22-230(B) \$250.00 Total penalties \$1,900.00. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Ms. Parrish, Mr. Kirby and Mr. Redifer.

6 (10)
File
2001-02468
Warnick
Plumbing

In the matter of File Number 2001-02467, Shane A Shiamone (Complainant) v David Edward Warnick (Respondent), t/a Warnick Plumbing Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Warnick Plumbing (Respondent) did not appear at the IFF nor the Board meeting nor were they represented by counsel or by any other qualified representative. Shane A Shiamone (Complainant) did not attend the IFF meeting nor the Board meeting. Mr. Hart recused himself and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Mr. Falwell, the board found clear and convincing evidence that Warnick Plumbing violated the following sections of its 1999 Tradesman Regulations: Count I, 18 VAC 50-30-190(1) to wit: 18 VAC 50-22-260(B)(8); Count II, 18 VAC 50-30-190(1), to wit: 18 VAC 50-22-260(B)(12) failure to complete work; Count III, 18 VAC 50-30-190(1), to wit: 18 VAC 50-22-260(B)(12) retention of funds; Count IV, 18

6 (11)
File
2001-02467
Warnick
Plumbing

VAC 50-30-190(1), to wit: 18 VAC 50-22-260(B)(11); Count V, 18 VAC 50-22-160. The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Redifer and seconded by Ms. Parrish to vote on amended sanctions with license revocation on Count III, the vote failed to carry and Mr. Redifer withdrew the motion. Upon a motion by Mr. Kirby and seconded by Mr. Falwell to remove the monetary penalties with respect to counts II, III, and IV due to previously being sanctioned in another case, 2001-02468, Final Order 2003-0438 the Board amended the recommendation and imposed license revocation for: **Count II, 18 VAC 50-30-190(1) to wit: 18 VAC 50-22-260(B)(12) failure to complete; Count III, 18 VAC 50-30-190(1) to wit: 18 VAC 50-22-260(B)(12) retention of funds; Count IV, 18 VAC 50-30-190(1) 18 VAC 50-22-260(B)(11) refusing to respond to an investigator.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Ms. Parrish, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2003-01639, Tim McCoy, t/a McCoy Interiors, the board reviewed the **Licensing Record # 2003-001639** record, which consisted of the licensing file, transcript, exhibits from the IFF, and the presiding board member's summary. Tim McCoy, license applicant was present and addressed the Board voicing his agreement with the hearing officer's summary and recommendation. Mr. White also attended the IFF hearing. Mr. Hart recused himself and did not vote. Upon a motion by Mr. Kirby and seconded by Mr. Hollar, the board accepted the hearing officer's recommendation and denied Mr. McCoy a Class C license. The motion passed with a unanimous vote. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (14)
File
2003-01639

In the matter of File Number 2002-02522, Jonathan A Barchick t/a J A Barchick Electric, Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Jonathan A Barchick did not appear at the IFF nor the Board meeting nor was he represented by counsel or by any other qualified representative. Mr. McDowell was absent and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Ms. Parrish, the **board found clear and convincing evidence that Jonathan Barchick violated the following sections of its 2001 Regulations: Count I, 18 VAC 50-22-260(B)(5); Count II, 18 VAC 50-22-260(B)(6); Count III, 18 VAC 50-22-260(B)(14) ; Count IV, 18 VAC 50-22-260(B)(15); Count V, 18 VAC 50-22-260(B)(13).** The motion passed unanimously and members

6 (18)
File
2002-02522
JA
Barchick
Electric

voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris, Mr. Hart and Mr. Redifer. Upon a motion for the sanctions by Ms. Parrish and seconded by Mr. Redifer the Board imposed the sanction of revocation of Jonathan A Barchick's license for the violations of Counts II, III, IV, and V. The Board imposed the following monetary penalties by adopting the hearing officers recommendation: **Count I, 18 VAC 50-22-260(B)(5) \$500.00; Count II, 18 VAC 50-22-260(B)(6) \$2,500.00; Count III, 18 VAC 50-22-260(B)(14) \$2,500.00 ; Count IV, 18 VAC 50-22-260(B)(15) \$2,500.00; Count V, 18 VAC 50-22-260(B)(13) \$2,500.00. The total penalties assessed is \$10,500.00. The total monetary penalty assessed shall be paid within 60 days of the order.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Mr. Hart, Ms. Parrish, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2002-02103, Earnest L Cason, Jr., t/a Expert Labor Construction Company, Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Earnest L Cason did not appear at the IFF nor the Board meeting nor was he represented by counsel or by any other qualified representative. Mr. McDowell was absent and did not vote. Upon a motion for the violations by Mr. Hollar seconded by Mr. Hart, the board found clear and convincing evidence that Earnest L Cason, Jr., violated the following sections of its Regulations: **Count I, Section 54.1-1110 of the Code of Virginia; Count II, 18 VAC 50-22-260(B)(13) (September 1, 2001).** The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris, Mr. Hart and Mr. Redifer. Upon a motion for the sanctions by Mr. Redifer and seconded by Mr. Falwell the Board imposed the sanction of revocation of Earnest L Cason, Jr.'s license for the violations of Counts I and II. The Board imposed the following monetary penalties by adopting the hearing officers recommendation: **Count II, 18 VAC 50-22-260(B)(13) \$2,500.00. The total penalties assessed is \$2,500.00. The total monetary penalty assessed shall be paid within 60 days of the order.** The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Hart, Mr. Kinser, Mr. Harris, Ms. Parrish, Mr. Kirby and Mr. Redifer.

6 (19)
File
2002-02103
Expert
Labor
Construct-
ion
Company

In the matter of File Number 2001-01902, Debbie Jones (Complainant) and Ju Choi (Respondent) t/a Tom's Contractor CO. Electric, Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Ju Choi did not

6 (20)
File
2001-01902
Tom's
Contractor

appear at the IFF nor the Board meeting nor was he represented by counsel or by any other qualified representative. Debbie Jones (Complainant) appeared at the IFF but did not come to the Board meeting. Mr. McDowell was absent and did not vote. Upon a motion for the violations by Mr. Falwell seconded by Mr. Harris, the **board found clear and convincing evidence that Ju Choi violated the following sections of its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(8); Count II, 18 VAC 50-22-260(B)(21); Count III, 18 VAC 50-22-260(B)(23) ; Count IV, 18 VAC 50-22-260(B)(11); Count V, 18 VAC 50-22-260(B)(6); Count VI, 18 VAC 50-22-230(A).** The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris, Mr. Hart and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby and seconded by Mr. Hart the Board adopted the hearing officer's recommendation and imposed the sanction of revocation of Ju Choi's license for the violations of Counts II, III, IV, V and VI. The Board imposed the following monetary penalties by adopting the hearing officers recommendation: **Count I, 18 VAC 50-22-260(B)(8) \$500.00; Count II, 18 VAC 50-22-260(B)(21) \$2,500.00; Count III, 18 VAC 50-22-260(B)(23) \$2,500.00 ; Count IV, 18 VAC 50-22-260(B)(11) \$2,500.00; Count V, 18 VAC 50-22-260(B)(6) \$2,500.00; Count VI, 18 VAC 50-22-230(A) \$2,500.00.** The total penalties assessed is \$13,500.00. The total monetary penalty assessed shall be paid within 60 days of the order. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Mr. Hart, Ms. Parrish, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2003-00320, Father James H Geiger (Complainant) and Jeffrey A Baker (Respondent) t/a Baker Construction, Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Jonathan A Barchick did not appear at the IFF nor the Board meeting nor was he represented by counsel or by any other qualified representative. Father Geiger did not appear at the IFF or the Board meeting nor was he represented by counsel or by any other qualified representative. Mr. McDowell was absent and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, the **board found clear and convincing evidence that Jeffrey A Baker violated the following sections of its 1999 and 2001 Regulations: The Board amended the violations removing Count I and keeping the others. Count II, 18 VAC 50-22-230(A)effective May 1, 1999; Count,III, 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1103 of the Code of Virginia effective May 1, 1999; Count IV, 18 VAC 50-22-260(B)(12) effective May 1, 1999 ; Count V, 18 VAC 50-22-260(B)(12) effective May 1, 1999; Count VI, 18 VAC 50-22-260(B)(13) effective September 1, 2001;**

6 (21)
File
2002-01665
Baker
Construct-
ion

Count VII, 18 VAC 50-22-260(B)(22) effective September 1, 2001; Count VIII, 18 VAC 50-22-260(B)(23) effective September 1, 2001. The motion passed unanimously and members voting yes were: Mr. Falwell, Ms. Parrish, Mr. Kinser, Mr. Kirby, Mr. Hollar, Mr. Harris, Mr. Hart and Mr. Redifer. Upon a motion for the sanctions by Mr. Redifer and seconded by Mr. Hart the Board amended the recommendation by finding no violation for Count I and keeping the other counts. The Board imposes the sanction of revocation of Jeffrey A Baker's license for the violations of Counts 3,4,5,6,7 and 8. The Board imposed the following monetary penalties by adopting the hearing officers recommendation as follows: **Count II, 18 VAC 50-22-230(A) \$500.00; Count III, 18 VAC 50-22-260(B)(1) Section 54.1-1103 \$2,500.00; Count IV, 18 VAC 50-22-260(B)(12) \$2,500.00; Count V, 18 VAC 50-22-260(B)(12) \$2,500.00; Count VI, 18 VAC 50-22-260(B)(13) \$2,500.00; Count VII, 18 VAC 50-22-260(B)(22) license revocation; Count VIII, 18 VAC 50-22-260(B)(23) \$2,500.00.** The total penalties assessed is \$13,000.00. The total monetary penalty assessed shall be paid within 60 days of the order. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Harris, Mr. Hart, Ms. Parrish, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2003-02249, Christopher Michael Carter, t/a Carter's Contracting Services Class C License Application The board reviewed the record which consisted of the **Licensing Record # 2003-02249**, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Christopher Michael Carter attended the meeting and addressed the board voicing his agreement with the recommendation. Mr. McDowell was absent and did not vote. Upon a motion by Ms. Redifer and seconded by Mr. Falwell the Board adopted the hearing officer's recommendation and granted a Class C license to Mr. Carter. The motion passed with a "yes" votes of 7 and a "no" vote of 1. Members voting "Yes" were: Mr. Falwell, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish and Mr. Redifer. The member voting "no" was Mr. Hart.

6 (23)
File
2003-02249
Carter's
Contract-
ing
Services

In the matter of File Number 2002-02591 Recovery Fund Claim, Choongkil Lee (Claimant) and Roddy Miller, Jr. t/a Mr. Roddy General Contractor (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Choongkil Lee (claimant) was not present at the Board meeting but did attend the IFF. A representative from Mr. Roddy General Contractor (Regulant) was not present and did not appear at the IFF. Upon a motion by Mr. Kirby, seconded by Mr. Hart the board adopted the hearing officer's recommendation and denied

6 (25)
File
2002-02591
Mr. Roddy
General
Contractor

payment of the claim based on the fact that the claim does not satisfy the requirements of Section 54.1-1120(A)(4) The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

In the matter of File Number 2003-00225 Recovery Fund Claim, Richard D and Ann E Moore (Claimants) and Robert Vincent Harnett, Jr., t/a General Home Improvements Co. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Richard D and Ann E Moore (claimants) were not present at the meeting. Mr. Moore did attend the IFF. A representative from General Home Improvements Co. (Regulant) was not present at the Board but Robert Harnett participated in the IFF by telephone. Upon a motion by Mr. Redifer seconded by Mr. Harris the board adopted the hearing officer's recommendation and approved payment in the amount of \$7,011.00. The payment is based on lack of commencement of work on the project by May 15, 2000. The bases for the payment is improper and dishonest conduct by a licensed contractor, per §54.1-1118 Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (26)
File
2003-00878
General
Home
Improve-
ment
Company

In the matter of File Number 2003-00698 Recovery Fund Claim, Stanley M and Linda U Meadors (Claimants) and Robert L Davidson, t/a Trendsetter Construction (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Linda Meadors and Stanley Meadors (claimants) were not present at the Board meeting. Mrs. Meadors and her Attorney Timothy J. Tolbert participated in the IFF by telephone. A representative from Trendsetter Construction (Regulant) was not present at the Board meeting but Elizabeth E Rakes, Administrator for the Estate of Robert L Davidson participated by telephone in the IFF. Upon a motion by Mr. Hollar, seconded by Mr. Redifer the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00. The payment is based on fraud, improper and dishonest conduct by a licensed contractor, per §54.1-1118. Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer.

6 (27)
File
2003-00698
Trend-
setter
Construct-
ion

In the matter of File Number 2003-00696, Recovery Fund Claim, Ricky W and Clara L Dalton (Claimants) and Robert L Davidson, t/a Trendsetter Construction (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Ricky W and Clara L Dalton (claimants) were not present at the Board meeting. Mr. Dalton and his Attorney Timothy J. Tolbert participated in the IFF by telephone. A representative from Trendsetter Construction (Regulant) was not present at the Board meeting but Elizabeth E Rakes, Administrator for the Estate of Robert L Davidson participated by telephone in the IFF. Upon a motion by Mr. Redifer, seconded by Ms. Parrish the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00. The payment is based on fraud, improper and dishonest conduct by a licensed contractor, per §54.1-1118. Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer

6(28)
File
2003-00696
Trend-
setters
Construct-
ion

In the matter of File Number 2003-00338, Recovery Fund Claim Elmer T Mizuno & Linda L Weintz (Claimants) and Term Construction Inc., t/a Term Construction Inc. (Regulant), Recovery Fund File the board reviewed the record, which consisted of the recovery fund file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Orange was absent and did not vote. Elmer T Mizuno and Linda L Weintz (claimants) were not present at the Board meeting. Linda L Weintz and Elmer T Mizuno participated in the IFF. A representative from Term Construction Inc. (Regulant) was not present at the Board meeting and did not participate in the IFF. Upon a motion by Mr. Hart, seconded by Mr. Hollar the board adopted the hearing officer's recommendation and approved payment in the amount of \$10,000.00. The payment is based on gross negligence, continued incompetency and intentional violation of the Virginia Statewide Building Code which falls within the definition of, improper and dishonest conduct by a licensed contractor, per §54.1-1118. Code of Virginia. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Falwell, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Ms. Parrish, and Mr. Redifer

6(33)
File
2003-00338
Term
Construct-
ion, Inc.

In the matter of File Number 2002-03379, Robert Vincent Hartnett, Jr. t/a General Home Improvement Co Disciplinary File, Mr. Hartnett sent documentation from his physician to the Board that he was physically unable to attend and participate in the May 28, 2003 Board and Mr. Hartnett asked that the Board remand his case to the next Board meeting of July 9, 2003. Ms. Parrish recused herself and did not vote. Upon a

6 (35)
File
2002-03379
General
Home
Improve-

motion by Mr. Hollar seconded by Mr. Hart the Board agreed to hear file #2002-03379 at its July 9, 2003 meeting. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell and Mr. Redifer.

ment Co.

In the matter of File Number 2002-03038, Steve and Lynnette Bukowski (Complainants) and Dominion building Corporation t/a Williamsburg Building Corporation Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Williamsburg Building Corporation did not appear at the Board meeting but Mr. John B. Dinsmore, Esquire represented them at the IFF. Steve and Lynnette Bukowski did not attend the IFF nor the Board meeting and were not represented by counsel or by any other qualified representative. Ms. Parrish recused herself and did not vote. Victoria Traylor shared with the Board that in January 1999 Dominion Building was seen before the Board for Construction defects file 1994-0228. Upon a motion for the violations by Mr. Kirby seconded by Mr. Hart, the board could not find clear and convincing evidence that Williamsburg Building Corporation had violated its Regulations: so they adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby seconded by Mr. Falwell, the board adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

6 (37)
File
2002-03038
Williams-
burg
Building
Corporat-
ion

In the matter of File Number 2002-01486, Meyer Associates, Inc. Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Meyer Associates, Inc did not appear at the Board meeting but Mr. Robert L Flax, Esquire represented them at the IFF. Ms. Parrish recused herself and did not vote. Upon a motion for the violations by Mr. Kirby seconded by Mr. Hart, the board could not find clear and convincing evidence that Meyer Associates, Inc. had violated its Regulations: so they adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby

6 (38)
File
2002-01486
Meyer
Associates
Inc.

seconded by Mr. Falwell, the board adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

In the matter of File Number 2001-01438, Nancy L Gleason (Complainant) and Jerry L Sims (Respondent) t/a Independent Replacement Services, Inc.. Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Independent Replacement Services, Inc. did not appear at the Board meeting but Mr. Jerry L Sims did participate in the IFF. Nancy L Gleason did not appear at the Board meeting but she did participate in the IFF. Ms. Parrish recused herself and did not vote. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, the board could not find clear and convincing evidence that Independent Replacement Services Inc. had violated its Regulations: so they adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby seconded by Mr. Falwell, the board adopted the hearing officers recommendation and closed the case with a finding of no violations. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

6 (39)
File
2001-01438
Independent
Replacement
Services
Inc.

In the matter of File Number 2001-00664, George S McLeman t/a McLeman's Town & Country Repair Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. George S McLeman. did not appear at the Board meeting nor the IFF in person nor by counsel. Ms. Parrish recused herself and did not vote. Victoria Traylor shared with the Board that McLeman's Town & Country Repair had prior violations on January 22, 2003. Upon a motion for the violations by Mr. Hart seconded by Mr. Kirby, the board found clear and convincing evidence that McLeman's Town & Country Repair had violated its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(6). The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby seconded by Mr. Hart, the board adopted the hearing officers recommendation and amended them to add successful completion of Basic Contractor Licensing Class within 6 months from the date of

6 (40)
File
2001-00664
McLeman's
Town &
Country
Repair

the order and the Board imposed the following penalty: Count I, 18 VAC 50-22-260(B)(6) \$1,000.00. For a total penalty of \$1,000.00. McLeman's Town & Country Repair shall pay with 60 days from the date of the order all penalties or their license will be suspended. George McLeman must provide proof to the Board for Contractor's of successful of the Basic Contractor Licensing Class or his license will be revoked. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

In the matter of File Number 2002-00629, George S McLeman t/a McLeman's Town & Country Repair Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. George S McLeman. did not appear at the Board meeting nor the IFF in person nor by counsel. Ms. Parrish recused herself and did not vote. Victoria Traylor shared with the Board that McLeman's Town & Country Repair had prior violations on January 22, 2003. Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, the board found clear and convincing evidence that McLeman's Town & Country Repair had violated its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(6); Count II, 18 VAC 50-22-260(B)(12); Count III, 18 VAC 50-22-260(B)(23); Count IV, 18 VAC 50-22-260(B)(21). The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Redifer seconded by Mr. Kirby, the board adopted the hearing officers recommendation and imposed the sanction of revocation of George S McLeman's license for the violation of Count II, 18 VAC 50-22-260(B)(12). The Board imposed the following penalty: Count I, 18 VAC 50-22-260(B)(6) \$500.00; Count II, 18 VAC 50-22-260(B)(12) \$2,500.00; Count III, 18 VAC 50-22-260(B)(23) \$1,000.00; Count IV, 18 VAC 50-22-260(B)(21) \$500.00. For a total penalty of \$4,500.00. McLeman's Town & Country Repair shall pay with 60 days from the date of the order all penalties or their license will be suspended. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

6 (41)
File
2002-00629
McLeman's
Town &
Country
Repair

In the matter of File Number 2002-00415, Herbert J Stelter t/a Hammer Construction Disciplinary File. The board reviewed the investigative file which consisted of the transcript and exhibits from the IFF and the presiding Board Members summary and recommendation. Hammer Construction did not appear at the Board meeting nor the IFF in

6 (42)
File
2002-00415
Hammer
Construct-

person nor by counsel. Ms. Parrish recused herself and did not vote. Victoria Traylor shared with the Board that Count III should read 18 VAC 50-22-260(B)(6). Upon a motion for the violations by Mr. Redifer seconded by Mr. Kirby, the board found clear and convincing evidence that McLeman's Town & Country Repair had violated its 1999 Regulations: Count I, 18 VAC 50-22-260(B)(8); Count II, 18 VAC 50-22-260(B)(9); Count III, 18 VAC 50-22-260(B)(6); Count IV, 18 VAC 50-22-260(B)(6). The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Falwell, Mr. Harris and Mr. Redifer. Upon a motion for the sanctions by Mr. Redifer seconded by Mr. Harris, the board adopted the hearing officers recommendation and amended them to add successful completion of Basic Contractor Licensing Class within 6 months from the date of the order and the Board imposed the following penalty: Count I, 18 VAC 50-22-260(B)(8) \$300.00; Count II, 18 VAC 50-22-260(B)(9) \$250.00; Count III, 18 VAC 50-22-260(B)(6) \$300.00; Count IV, 18 VAC 50-22-260(B)(6) \$500.00. For a total penalty of \$1,350.00. Hammer Construction shall pay within 60 days from the date of the order all penalties or their license will be suspended. Herbert J Stelter must provide proof to the Board for Contractor's of successful of the Basic Contractor Licensing Class or his license will be revoked. The motion passed unanimously and members voting yes were: Mr. Falwell, Mr. Hollar, Mr. Kinser, Mr. Kirby, Mr. Hart, Mr. Harris and Mr. Redifer.

In the matter of File Number 2002-03199, Thomas E Buck (Complainant) and Jacqueline Sawyer (Respondent) t/a Wishmakers Disciplinary File, the board reviewed the record, which consisted of the disciplinary file # 2002-03199. Wishmakers did not appear at the board meeting in person or by counsel nor the IFF. Mr. Buck attended the IFF but did not attend the Board meeting. Mr. Paulette was absent and did not vote. Upon a motion by Mr. Kirby seconded by Mr. Redifer the Board adopted the recommendation for the violation. The Board found clear and convincing evidence that Jacqueline A Sawyer violated the following sections of its 2001 Regulations: Count 1, 18 VAC 50-22-260(B)(15); Count 2, 18 VAC 50-22-260(B)(27); Count 3; 18 VAC 50-22-260(B)(9); Count 4, 18 VAC 50-22-260(B)(28); Count 5, 18 VAC 50-22-260(B)(12). The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer. Upon a motion for the sanctions by Mr. Hollar seconded by Mr. Redifer The Board imposed license revocation for count 1 and 4 and the following penalties: Count 1, 18 VAC 50-22-260(B)(15) \$2,500.00; Count 2, 18 VAC 50-22-260(B)(27) \$1,500.00; Count 3; 18 VAC 50-22-260(B)(9) \$250.00; Count 4, 18 VAC 50-22-260(B)(28) \$2,500.00; Count 5, 18 VAC 50-22-260(B)(12) \$1,000.00. Total penalties \$7,750.00. The penalties shall

6 (43)
File
2002-03199
Wish-
makers

be paid within 60 days from the date of the order. Failure to pay the total monetary penalty assessed within 60 days of the date of the order will result in the automatic suspension of Wishmakers license. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer.

In the matter of File Number 2002-02049, Steven Ruben (Complainant) and Jacqueline Sawyer (Respondent) t/a Wishmakers Disciplinary File, the board reviewed the record, which consisted of the disciplinary file # 2002-02049. Wishmakers did not appear at the board meeting in person or by counsel nor the IFF. Mr. Ruben did not attend the IFF nor the Board meeting. Mr. Paulette was absent and did not vote. Upon a motion by Mr. Kirby seconded by Mr. Hart the Board adopted the recommendation for the violation. The Board found clear and convincing evidence that Jacqueline A Sawyer violated the following sections of its 2001 Regulations: Count 1, 18 VAC 50-22-260(B)(15); Count 2, 18 VAC 50-22-260(B)(16); Count 3; 18 VAC 50-22-260(B)(1), to wit: Section 54.1-1100 of the Code of Virginia; Count 4, 18 VAC 50-22-230(B); Count 5, 18 VAC 50-22-260(B)(27); Count 6, 18 VAC 50-22-250(B)6; Count 7, 18 VAC 50-22-260(B)(9); Count 8, 18 VAC 50-22-260(B)(13). The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer. Upon a motion for the sanctions by Mr. Hollar seconded by Mr. Redifer The Board imposed license revocation for count 1 and 2 and the following penalties: Count 1, 18 VAC 50-22-260(B)(15) \$2,500.00; Count 2, 18 VAC 50-22-260(B)(16) \$2,500.00; Count 3; 18 VAC 50-22-260(B)(1) \$1,500.00; Count 4, 18 VAC 50-22-230(B) \$200.00; Count 5, 18 VAC 50-22-260(B)(27) \$1,000.00; Count 6, 18 VAC 22-260(B)(6) \$1,000.00; Count 7, 18 VAC 50-22-260(B)(9) \$250.00; Count 8, 18 VAC 50-22-260(B)(13) \$1,000.00. Total penalties \$9,950.00. The penalties shall be paid within 60 days from the date of the order. Failure to pay the total monetary penalty assessed within 60 days of the date of the order will result in the automatic suspension of Wishmakers license. The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer.

6 (45)
File
2002-02049
Wish-
makers

In the matter of File Number 2002-00004, Michael Gibson (Complainant) and Jacqueline Sawyer (Respondent) t/a Wishmakers Disciplinary File, the board reviewed the record, which consisted of the disciplinary file # 2002-00004. Wishmakers did not appear at the board meeting in person or by counsel nor the IFF. Mr. Gibson did not attend the

6 (46)
File
2002-00004
Wish-
makers

IFF nor the Board meeting. Mr. Paulette was absent and did not vote. Upon a motion by Mr. Falwell seconded by Ms. Parrish the Board **adopted the recommendation for the violations. The Board found clear and convincing evidence that Jacqueline A Sawyer violated the following sections of its 1999 Regulations: Count 1, 18 VAC 50-22-260(B)(8); Count 2, 18 VAC 50-22-260(B)(23).** The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer. Upon a motion for the sanctions by Mr. Kirby seconded by Mr. Falwell **The Board imposed the following penalties: Count 1, 18 VAC 50-22-260(B)(8) \$250.00; Count 2, 18 VAC 50-22-260(B)(23) \$1,000.00; Total penalties \$1,250.00. The penalties shall be paid within 60 days from the date of the order. Failure to pay the total monetary penalty assessed within 60 days of the date of the order will result in the automatic suspension of Wishmakers license.** The motion passed with a unanimous vote. Members voting "Yes" were Mr. Hart, Mr. Harris, Mr. Falwell, Mr. Kinser, Mr. Hollar, Ms. Parrish, Mr. Kirby and Mr. Redifer.

Mr. Olson discussed with the Board the issue of Tradesman on the job site. The Tradesman and Education Committee decided to convene another meeting on June 25, 2003 to finish the proposal of the regulatory review so it can be presented to the Contractor Board for review.

7

**Regulatory
Review**

Eric Olson, Executive Director, Board for Contractors, reported on reciprocal agreements. The West VA electrical tradesman agreement for acceptance of Test scores will be in place June 1, 2003 for testing only. The Georgia Board meets in June of 2003 and we will have more information to discuss at the July 9, 2003 Board meeting concerning reciprocity with them. We currently have some form of reciprocity with Maryland, North Carolina, West VA and we are waiting on Georgia so we can review and sign off on their proposal if it meets our specifications. We are also negotiating with Florida and Texas. Mr. Falwell reported on the VA Well Water Drillers and shared with the Board that at this time the recommendation is to table the reciprocal agreement with Tennessee and Virginia until after the General Assembly votes on the Education Requirements. It is also recommended that we write Tennessee a letter explaining the issue of working on the enhancement of our educational program requirements for well water drillers. Ms. Parrish offered a motion that we write a letter to Tennessee to decline the reciprocal agreement for the well water drillers at this time due to the anticipated educational requirements for Virginia's Well Water Drillers. Mr. Kirby seconded the motion. The motion carried with 1 "no" vote cast by James Hollar and 7 yes votes cast by: Ms. Parrish, Mr. Kirby, Mr. Kinser, Mr. Harris, Mr. Hart, Mr. Falwell and Mr. Redifer.

**Reciprocal
Agreement
Update**

Mr. Olson shared a Criminal Matrix with the Board members. They

Criminal

discussed the proposed Criminal Matrix and indicated a change to number 5 to state felony convictions under title 46 and a change to #8 change to single DUI conviction, class 2-5 misdemeanors the Board will give the Contractor Staff permission to review and approve/deny granting of licenses for these. Mr. Redifer offered a motion to adopt the Criminal Matrix with the suggested changes in place. Mr. Falwell seconded adoption with the amendments. The motion carried with a unanimous vote. Members voting yes were: Mr. Harris, Mr. Hollar, Mr. Hart, Mr. Falwell, Mr. Kirby, Mr. Kinser, Ms. Parrish and Mr. Redifer.

Matrix/

The Board reviewed the Recovery Fund Statement for March, 2003.

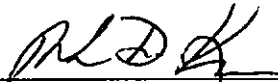
**Recovery
Fund
Statements
New
Business**

A point of interest by Mr. Hollar, WWC and WWP are now consolidated into WWP and can now drill wells and install pumps. We may want to look into this further.

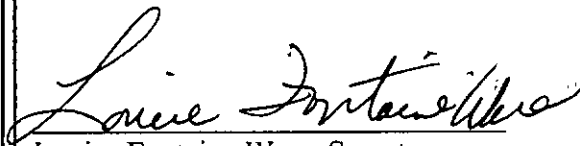
Chairman Kinser reminded the board members to complete their travel vouchers and Conflict of Interest forms and to give them to Sheila Watkins at the end of the meeting for processing.

**Comp-
letion of
Paperwork
Adjourn-
ment**

Their being no further business to come before the board, the meeting was adjourned upon a motion by Mr. Redifer and seconded by Mr. Hart. The vote was unanimous. Members voting yes were, Mr. Hart, Mr. Harris, Mr. Hollar, Mr. Falwell, Mr. Kirby, Mr. Kinser, Ms. Parrish, and Mr. Redifer at 2:10 p.m.



Mark D. Kinser, Chairman



Louise Fontaine Ware, Secretary

Copy teste:

Custodian of the Record

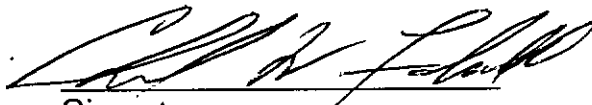
CONFLICT OF INTEREST ACT

1. Name: Charles W. Falwell
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
-
-

- ☒ (b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

MAY 28, 2003
Date

STATE AND LOCAL GOVERNMENT

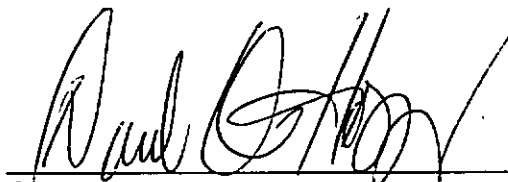
CONFLICT OF INTEREST ACT

1. Name: David O. Harris, Sr.
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

MAY 28, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

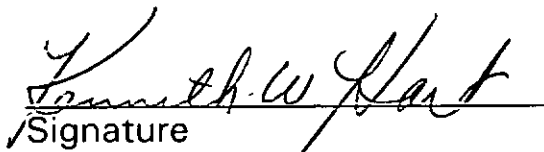
1. Name: Kenneth W. Hart
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

 (b)

I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

MAY 28, 2003
Date

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: James A. Hollar
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING

5. Nature of Personal Interest Affected by Transaction:

Fairness in handling contractor's,
public interests

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CMA INC, PHCC, ACCA, ARI

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

James A. Hollar
Signature

MAY 28, 2003
Date


STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Mark D. Kinser
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTORS BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:
 - (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

MAY 28, 2003
Date

STATE AND LOCAL GOVERNMENT

STATE AND LOCAL GOVERNMENT

CONFLICT OF INTEREST ACT

1. Name: Robert M. Kirby
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:
PRESIDENT - D.E. Kirby, Inc.
6. I declare that:
 - (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
D.E. Kirby, Inc. Builders & Contractors Exchange,
ALL OF VIRGINIA
 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Robert M. Kirby
Signature


MAY 28, 2003
Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

1. Name: Jennifer L. Parrish
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: **CONTRACTORS BOARD MEETING**
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:
 - (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

 - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

May 28
April 16, 2003
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT**


1. Name: Michael D. Redifer
2. Title: Member - Board for Contractors
3. Agency: Department of Professional & Occupational Regulation
4. Transaction: CONTRACTOR BOARD MEETING
5. Nature of Personal Interest Affected by Transaction:

6. I declare that:

- (a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

UBCBA, NFPA, IAEE, UPMIA, ILL

- (b) I am able to participate in this transaction fairly, objectively, and in the public interest.



Signature

MAY 28, 2003
Date